

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hans LOIBNER et al.

Application No.: 10/524,520

Confirmation No.: 3426

Filed: October 31, 2005

Art Unit: 1643

For: USE OF ANTIBODIES AGAINST A TUMOR-
ASSOCIATED ANTIGEN

Examiner: B. Duffy

STATEMENT OF THE SUBSTANCE OF AN INTERVIEW

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 4, 2010

Sir:

Applicant appreciates the courtesies extended by Examiner Duffy and Examiner Rawlings during the interview on May 3, 2010.

The discussions during the interview focused on the Examiner's prior rejections with Applicant's representative explaining why the present claims were distinguishable from the Goldberg et al. and the Ferrari prior art references. Applicant's representative urged that the primary references, Goldberg and Ferrari, do not describe administration of a "native" antibody to inhibit dissemination of tumor cells.

No agreement was reached with respect to allowability of the claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson Reg. No. 30,330 at the

telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: June 4, 2010

Respectfully submitted,

By 

Leonard R. Sveinsson

Registration No.: 30,330

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive

Suite 260

San Diego, California 92130

(858) 792-8855

Attorney for Applicant